

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HECTOR HUERTAS,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 09-139 Erie
v.	)	
	)	
DAN HENRY,	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

This civil rights action was received by the Clerk of Court on June 11, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 72], filed on July 27, 2011, recommended that the Defendant's motion for summary judgment [ECF No. 63] be granted and that the Clerk of Courts be directed to close the case. The parties were allowed fourteen (14) days from the date of service to file objections and service was made on Plaintiff by certified mail. Plaintiff filed objections on August 8, 2011 [ECF No. 73]. After de novo review of the documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 22<sup>nd</sup> day of August, 2011;

IT IS HEREBY ORDERED that the Defendant's motion for summary judgment [ECF No. 63] is GRANTED. JUDGMENT is hereby entered in favor of Defendant, Dan Henry and against Plaintiff, Hector Huertas. The Clerk of Courts is directed to close the case.

The Report and Recommendation [ECF No. 72] of Magistrate Judge Baxter, filed on July 27, 2011, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge